

HONOLULU RAIL TRANSIT PROJECT
Section 4(f) Memorandum for Project Modifications at Neal S. Blaisdell Park
(October 25, 2013)

The purpose of this memorandum is to examine the effects of proposed modifications of the Honolulu Rail Transit Project (H RTP) to Neal S. Blaisdell Park under Section 4(f) of the Department of Transportation (DOT) Act of 1966 (49 U.S.C. § 303). The H RTP is a federally funded project by the Federal Transit Administration (FTA). Therefore, it is an action that is subject to the U.S. Department of Transportation Act of 1966. Section 4(f) of this legislation seeks to protect publicly owned parklands, recreation areas, waterfowl and wildlife refuges, and significant historic sites from impacts, or the “use” of these resources by U.S. Department of Transportation actions.

The Honolulu Authority for Rapid Transportation (HART) is proposing a design modification to Kamehameha Highway along the frontage of the 26-acre Neal S. Blaisdell Park (at Ka’ahumanu Street) relating to the construction of the H RTP guideway within the Kamehameha Highway median in this area. Neal S. Blaisdell Park, as a publicly owned recreational resource that is open to the public, is considered a Section 4(f) resource. The FTA has determined that the use of 417 square feet (0.0096 acre) of parkland for this design modification is considered a “*de minimis* impact” under Section 4(f) Regulations. The “temporary occupancy” for construction staging in the Neal S. Blaisdell Park does not constitute a use under Section 4(f) Regulations. Both the *de minimis* impacts and temporary occupancy are described below.

Description of proposed work

The Final Environmental Impact Statement (FEIS) for the Project identified the widening of existing streets to accommodate the guideway columns, provide bus stops, improve sidewalks, or related improvements, including Kamehameha Highway. During the final design phase, the design at this location was refined. The median within the Kamehameha Highway at Ka’ahumanu Street is required to be expanded five feet to accommodate the H RTP guideway columns, resulting in a shift of the roadway five feet towards the park. Attachment 1 illustrates the general area of interest in this discussion. Proposed work within Neal S. Blaisdell Park are shown in Attachments 2 and 3. This design change occurs within the existing Hawai’i Department of Transportation (HDOT) right-of-way (ROW) with the exception of three elements:

- (1) an existing bus shelter, that currently straddles the highway right-of-way and park boundary, would be reconstructed and shifted less than five feet further into the park, affecting 62 square feet of the park (between Kamehameha Highway and the park’s parking lot)
- (2) four traffic and pedestrian signal poles that currently serve park access would be reconstructed inside the park on either side of the park entrance, affecting approximately 45 square feet of the park
- (3) rebuilt sidewalks along the highway right-of-way would be extended slightly into the park on either side of the entrance to meet Americans with Disabilities Act (ADA) requirements at the entrance, affecting approximately 310 square feet of the park

A total of 417 square feet (0.0096 acre) of parkland would be affected. Measures to minimize harm to the park include provision of replacement trees and vegetation within the park. These measures are described in detail below.

Other modifications will occur within the existing HDOT ROW, including the removal of trees and vegetation along the park frontage. The existing drainage structure located under the sidewalk Koko Head of the park entrance is a pass-through culvert that drains into the park, and it will be reconstructed under the new sidewalk within HDOT ROW to maintain existing drainage patterns. Existing power poles installed along the HDOT ROW will remain in the HDOT ROW. Three large monkeypod trees, a coconut palm, and landscaping shrubs, also located within the HDOT ROW will be removed. Sidewalks will be rebuilt in the highway right-of-way except as noted above, and the park entrance area will be repaved, including within the park.

Definitions under Section 4(f)

Under 23 CFR 774.17, a “use” of Section 4(f) property occurs:

- (1) When land is permanently incorporated into a transportation facility;
- (2) When there is a temporary occupancy of land that is adverse in terms of the statute's preservation purpose as determined by the criteria in 23 CFR 774.13(d); or
- (3) When there is a constructive use of a Section 4(f) property as determined by the criteria in §774.15.

A constructive use occurs when the proximity of a proposed project substantially impairs aesthetic features or attributes of a property protected by Section 4(f), where such features or attributes are considered important contributing elements to the value of the property.

A temporary occupancy of property does not constitute a use of a Section 4(f) resource when all the following conditions are satisfied (23 CFR § 774.13(d)):

- Duration is temporary (i.e., less than the time needed for construction of the project), and there is no change in ownership of the land associated with the temporary occupancy.
- Scope of work is minor (i.e., both the nature and magnitude of the changes to the Section 4(f) property are minimal).
- There are no anticipated permanent adverse physical impacts, nor is there interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis.
- The land being used will be fully restored (i.e., the property must be returned to a condition that is at least as good as that which existed prior to the project).
- There is a documented agreement of the official(s) having jurisdiction over the Section 4(f) resource regarding the above conditions.

A *de minimis* impact determination may be made for a permanent incorporation or temporary occupancy of Section 4(f) property. As defined in 23 CFR 774.17(2), a *de minimis* impact is one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f). This takes into account measures to minimize harm, such as avoidance, minimization, mitigation, and enhancement measures.

Per 23 CFR 774.5(b), the agency with jurisdiction over the resource must concur in writing with the Section 4(f) determination. The City and County of Honolulu Department of Parks and Recreation has jurisdiction over Neal S. Blaisdell Park and Parks’ Director, Ms. Toni Robinson has concurred

with the proposed changes and *de minimis* finding (See Attachment 4). In addition, public notice and opportunity for public review and comment on the finding are required.

Description of the “*de minimis* impact” to Neal S. Blaisdell Park

As a part of the widening of the median of Kamehameha Highway within the HDOTROW, the highway pavement will move five feet closer to the park on both sides of the park entrance. This change results in the following project actions proposed within Neal S. Blaisdell Park and shown in Attachments 2 and 3:

- Relocated Bus Shelter. An existing bus shelter, that currently straddles the highway right-of-way and park boundary along Kamehameha Highway, will be reconstructed and shifted further into the park. The shelter is connected via sidewalk to the park’s parking lot makai of the bus shelter. The relocated shelter will extend less than five feet further into the park, resulting in an additional use of 62 square feet of park. The future pad under the bus shelter will be concrete with a supporting concrete roadway bus pad in Kamehameha Highway
- New Traffic Signal Poles. Four traffic signal poles will be installed in the park on either side of the park entranceway, replacing poles currently located in the HDOT ROW. These updated signals support ingress and egress from Kamehameha Highway at the park entrance and pedestrian access. These signal poles will take up a total of approximately 45 square feet of park area.
- Sidewalks at Entrance. Rebuilt sidewalks along the HDOT ROW would be extended slightly into the park on either side of the entrance to meet Americans with Disabilities Act (ADA) requirements. These extensions will take up approximately 310 square feet of park area total (beyond the existing driveway pavement footprint).
- Repavement of Park Entrance. Existing traffic signal loop detectors will be replaced in the park entrance driveway. The full park entrance driveway will be repaved from Kamehameha Highway to a point 65 feet into the park.

The proposed modifications to 417 square feet of parkland will not affect the park’s design elements or aesthetic features that contribute to the park’s use and enjoyment. These minor modifications are all located near the park’s entrance and parking lot. The shifting of the existing highway roughly five feet closer to the park would not substantially impair the park’s recreational activities or features. Impacts to the park would be similar those described in the FEIS. Noise, traffic, and air quality impacts on Neal S. Blaisdell Park during from construction would be temporary. Access to the park would be maintained during construction. Mitigation measures as identified in the FEIS would be implemented to minimize construction and operational impacts. For these reasons there is no constructive use associated with the proposed modifications.

These impacts are considered *de minimis* because the impact does not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f). This takes into account measures to minimize harm, such as avoidance, minimization, mitigation, and enhancement measures.

Temporary Occupancy

The temporary occupancy will consist of temporary construction related activities associated with the removal of three mature monkeypod trees from the adjacent HDOT ROW at the Kamehameha Highway park entrance. According to the project arborist, these trees are not suitable for

transplanting (See DPR Letter - Attachment 2). The trees are entirely within the HDOT ROW, but park property would be used to accommodate their removal. The reason for performing this work on park property is to provide for the safety of the public and avoid traffic impacts associated with staging in Kamehameha Highway travel lanes.

In addition to the tree removal, other temporary construction-related impacts include using the park for staging related to the following activities: reconstruction of a the bus shelter, installation of new traffic signal poles, repavement of the park entrance, new sidewalk construction in the HDOT ROW and extensions into the park entrance area, landscaping along the park entrance, and relocation of landscape materials from the HDOT ROW. The total area of temporary occupancy is approximately 18,500 square feet (Attachment 5).

The temporary occupancy adjacent to the highway is not expected to disturb recreation-focused activities within the park. Public access to the park will be maintained during all construction activities. The staging areas and construction zone will be closed to the public temporarily during construction and HART or HART's contractor will coordinate with the park manager to minimize construction during any scheduled park events as practicable. After construction, the disturbed areas will be restored to their original condition.

These construction-related impacts are considered temporary and minor because the use is temporary; the scope of the work on the property is minor; there are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis; and the land being used will be fully restored. Therefore, the temporary occupancy to accommodate construction does not constitute a use under Section 4(f) Regulations.

Measures to minimize harm to the park include provision of replacement trees and vegetation within the park. HART (and its consultants/contractors) will coordinate with the park manager and staff to provide the following:

- Project donation to the park of a mutually agreed upon number of large trees for transplant into the park from the H RTP nursery, from other H RTP locations along Kamehameha Highway, or other sources, depending on the size of the trees selected.
- Replacement landscaping materials for either side of the park entrance in proximity to the current bus shelter, the area adjacent to the three removed monkeypod trees and where shrubs are removed from the HDOT ROW.
- A new concrete mowing strip for ease of maintenance around park bollards, possibly integral to the new sidewalk in the HDOT ROW.

Attachments:

- 1 - General Area of Interest
- 2 - Map of Impacts, Upgrades and Replacements at Neal S. Blaisdell Park
- 3 - Detailed Views of Proposed Modifications
- 4 - Letter from City and County of Honolulu Department of Parks and Recreation (April 18, 2013) with attachments
- 5 - Area of Temporary Occupancy (18,500 SF)